

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

JUXTACOMM TECHNOLOGIES, INC. §  
§  
PLAINTIFF, §  
§  
v. § Civil Action No. 2:07-CV-00359-LED  
§  
ASCENTIAL SOFTWARE CORP., ET AL., §  
§  
DEFENDANTS. §

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**PLAINTIFF'S OBJECTIONS TO  
IBM'S OPENING DEPOSITION DESIGNATIONS**

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Plaintiff JuxtaComm Technologies, Inc. ("JuxtaComm") files its objections to *IBM's Opening Deposition Designations*. JuxtaComm reserves the right to supplement, amend or otherwise modify the exchanged objections based on circumstances that may arise prior to trial, including but not limited to circumstances that may result from the Court's ruling on Motions for Summary Judgment, Motions in Limine, and any other pre-trial objections or motions filed in the case. In addition, JuxtaComm reserves the right and will object to deposition testimony regarding any trial exhibit the Court determines, in response to JuxtaComm's objections, to be inadmissible. JuxtaComm's lack of an objection herein to deposition testimony relating to a particular document is not and should not be considered a waiver of JuxtaComm's objections to the admissibility of that document.

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DEPOSITION TESTIMONY OF GERALD COHEN (Plaintiff)	
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18:2 – 18:25	FRE 401; 402; 403: Relevance, Waste of Time, Confusion
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22:17 – 22:22	FRE 401; 402; 403: Relevance, Waste of Time, Confusion
23:22 – 23:25	FRE 401; 402; 403: Relevance, Waste of Time, Confusion
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Dated: October 13, 2009

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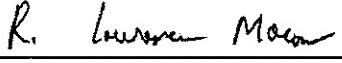
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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, these Objections were served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 13<sup>th</sup> day of October, 2009.

  
R. LAURENCE MACON